

EXHIBIT J

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RESEARCH IN MOTION LIMITED,

Case No.: C-07-3177 (MMC)

Plaintiff and Counterdefendant,

**VISTO'S DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT
CONTENTIONS UNDER PATENT LOCAL
RULE 3-1**

vs.

VISTO CORPORATION,

**Confidential – Attorney's Eyes Only materials
attached hereto as Exhibits A and B**

Defendant and Counterclaimant.

AND RELATED COUNTERCLAIMS.

Pursuant to Patent Local Rule 3-1 of the Rules of Practice for Patent Cases before the Honorable Maxine M. Chesney, United States District Court for the Northern District of California, Defendant and Counterclaimant Visto Corporation ("Visto") submits the following Disclosure of Asserted Claims and Preliminary Infringement Contentions relevant to the patents at issue. This disclosure is based on information available to Visto as of the date hereof, and Visto reserves the right to amend this disclosure to the full extent consistent with Patent Local Rule 3-6 and the Court's Case Management and Docket Control Order dated October 9, 2007 [See Docket No. 22].

VISTO'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS UNDER PLR 3-1

1 **I. Patent Local Rule 3-1(a): Asserted Claims**

2 For purposes of Patent Local Rule 3-1(a) with respect to patents at issue, Visto asserts that
 3 Plaintiff and Counterdefendant Research In Motion Limited (“RIM”) infringes the following
 4 patent claims directly, contributorily and/or by inducement: claims 1-6 of U.S. Patent 7,225,231
 5 (“‘231 Patent”); and claims 1-15 of U.S. Patent 7,228,383 (“‘383 Patent”) (collectively the
 6 “Asserted Claims”).

7 **II. Patent Local Rule 3-1(b): Accused Instrumentality**

8 For purposes of Patent Local Rule 3-1(b) with respect to the patents at issue, Visto asserts
 9 that each of the Asserted Claims is infringed by RIM’s wireless solution, which includes products
 10 and services that enable access to and/or synchronization of data in secure network environments,
 11 including but not limited to each version of the “BlackBerry Products,” BlackBerry Enterprise
 12 Servers for Microsoft® Exchange, IBM® Lotus® Domino®, Novell® GroupWise®, and MDS
 13 Applications, Hosted BlackBerry Enterprise Server, BlackBerry Enterprise Server - Small
 14 Business Edition, BlackBerry Internet Service, BlackBerry Desktop Software, BlackBerry Mail
 15 Connector, BlackBerry Desktop Redirector, BlackBerry Web Mail, BlackBerry Router,
 16 BlackBerry Infrastructure, BlackBerry Relay Servers, BlackBerry Network Operations Centers
 17 (NOCs), and BlackBerry Smartphones and devices, including BlackBerry Connect and
 18 BlackBerry Built-In (collectively, the “Accused Instrumentalities”). Unless otherwise noted,
 19 Visto’s Infringement Contentions for the ‘383 patent apply to each and every version and edition
 20 of the “Accused Instrumentalities” at least as of June 1, 2001. Also, unless otherwise noted,
 21 Visto’s Infringement Contentions for the ‘231 patent apply to each and every version and edition
 22 of the “Accused Instrumentalities” at least as of January 1, 2001. Visto notes that any documents
 23 or evidence cited in Visto’s 3-1(c) claim charts are merely exemplary, and not indicative of the
 24 particular versions and editions which Visto has accused of infringing. Since the Accused
 25 Instrumentalities utilize common software modules, interfaces and protocols, the differences
 26 between the different edition and versions of the BlackBerry products as of the operative accused
 27 dates (unless otherwise noted) are not material to Visto’s infringement allegations.

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1 Notwithstanding Visto's Infringement Contentions, Visto does not concede that any BlackBerry
 2 Product in existence before the filing, priority or invention date of the Visto patents-in-suit is
 3 prior art to Visto's patents. While discovery is ongoing, Visto may modify or supplement its
 4 Infringement Contentions based on a review of source code or other documentation provided by
 5 RIM.

6 **III. Patent Local Rule 3-1(c): Claim Charts**

7 Visto's investigation and analysis of the Accused Instrumentalities is based upon
 8 information made publicly available by RIM and on Visto's own investigations. Visto's
 9 investigation and analysis is further based upon documents produced and deposition transcripts
 10 made available from *Visto Corporation v. Research in Motion Limited, and Research in Motion*
 11 *Corporation*, Case No. 2-06-CV-181, in the United States District Court for the Eastern District
 12 of Texas before the Honorable T. John Ward. In accordance with Patent Local Rule 2-2, Visto
 13 has designated the attached claim charts as "Confidential – Attorney's Eyes Only. Consistent
 14 with Patent Local Rule 3-6, Visto reserves the right to amend and/or supplement this disclosure
 15 for any of the following reasons, or as ordered by the Court:

16 (i) Visto's positions regarding infringement of specific claims will depend on how
 17 those claims are construed by the Court. Because claim construction has not yet occurred, Visto
 18 cannot take a final position on the bases for infringement of the Asserted Claims; and
 19 (ii) While Visto's investigation and analysis of RIM's products is based upon
 20 information made publicly available by RIM and on discovery in *Visto v. RIM*, as discussed
 21 above, additional discovery from RIM is necessary before Visto can take final positions on the
 22 bases for infringement of the Asserted Claims. For at least these reasons, Visto reserves the right
 23 to amend or supplement this disclosure as provided in Patent Local Rule 3-6(a).

24 Appended hereto as Exhibit A, and incorporated herein in its entirety, is a preliminary
 25 chart identifying specifically where each element of claims 1-6 of the '231 Patent is found in the
 26 Accused Instrumentalities. Appended hereto as Exhibit B, and incorporated herein in its entirety,
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1 is a preliminary chart identifying specifically where each element of claims 1-15 of the '383
 2 Patent is found in the Accused Instrumentalities.

3 Unless otherwise indicated, the information provided that corresponds to each claim
 4 element is considered to indicate that each claim element is found within the product, device,
 5 process, method, function or act of the Accused Instrumentalities.

6 **IV. Patent Local Rule 3-1(d): Literal Infringement/Doctrine of Equivalents**

7 For purposes of Patent Local Rule 3-1(d) with respect to the patents at issue, each element
 8 of each Asserted Claim is considered to be literally present and present under the Doctrine of
 9 Equivalents within each of the Accused Instrumentalities. Consistent with Patent Local Rule 3-6,
 10 Visto reserves the right to amend and/or supplement this disclosure for any of the following
 11 reasons, or as ordered by the Court:

12 (i) Visto's positions regarding infringement of specific claims will depend on how
 13 those claims are construed by the Court. Because claim construction has not yet occurred, Visto
 14 cannot take a final position on the bases for infringement of the Asserted Claims; and

15 (ii) While Visto's investigation and analysis of RIM's products is based upon
 16 information made publicly available by RIM and on discovery in *Visto v. RIM*, as discussed
 17 above, additional discovery from RIM is necessary before Visto can take final positions on the
 18 bases for infringement of the Asserted Claims. For at least these reasons, Visto reserves the right
 19 to amend or supplement this disclosure as provided in Patent Local Rule 3-6(a).

20 **V. Patent Local Rule 3-1(e): Priority Dates**

21 Claims 1-6 of the '231 Patent are entitled to a priority date at least as early as July 30,
 22 1997 as a continuation application, and to a priority date at least as early December 13, 1996 as a
 23 continuation in part application. Claims 1-15 of the '383 Patent are entitled to a priority date at
 24 least as early as June 1, 2001.

25 **VI. Patent Local Rule 3-1(f): Identification of Instrumentalities Practicing the**
 26 **Claimed Invention**

27 Each of Visto's wireless messaging and synchronization solutions, Visto Mobile, Visto

1 Mobile Enterprise Server, Visto Mobile Personal Edition, Visto Mobile Access Solution and
2 Visto MessageXpress, in conjunction with products and services of Visto's allied wireless
3 operators, device manufacturers, and other affiliates, embody Visto's claimed inventions,
4 incorporating or reflecting all of the Asserted Claims.

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6 Dated: October 19, 2007

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